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Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women
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Item 4 of the provisional agenda
Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women

List of issues and questions in relation to the combined initial to third periodic reports of Monaco

Constitution and legislative framework

1. In its combined initial to third periodic reports, the State party indicates that, under Monegasque law, international treaties and agreements duly signed and ratified by the Prince have primacy over national laws but rank below the Constitution (paras. 95 and 96).[1] It is also indicated that the Convention was given the force of law in the State party by Sovereign Ordinance No. 96 of 16 June 2005 (para. 98). Please provide examples of the Convention being directly invoked by litigants before the courts. Please also provide information on how priority attention is being given by the State party to the incorporation of all the provisions of the Convention into its national laws.

2. The State party ratified the Convention with reservations to articles 7 (b), 9, 16 (1) (c) and (g) and 29 (2). It is indicated in the report that the State party does not rule out withdrawing some of those reservations in the future (para. 83). Please indicate what steps have been taken, including a time frame, to withdraw and/or reduce the scope of the reservations.

3. It is stated in the report that the State party applies the principle of non-discrimination in line with article 17 of its Constitution, by which "all Monegasque nationals shall be equal before the law, and none shall enjoy preferential status" (para. 104). Please indicate whether the Constitution contains a comprehensive definition of discrimination against women that encompasses both direct and indirect discrimination in both the public and private spheres, in line with article 1 of the Convention and target 5.1 of the Sustainable Development Goals, to

Note: The present document is being issued in English, French and Spanish only.

[1] Unless otherwise indicated, paragraph numbers refer to the combined initial to third periodic reports of the State party.

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end all forms of discrimination against all women and girls everywhere. If it does not, please indicate whether the State party envisages the inclusion of such a definition in the Constitution or some other appropriate piece of legislation.

4. Please provide information on any capacity-building training programmes on the Convention and the Optional Protocol thereto that are being conducted for the benefit of government officials, police officers, law enforcement officials, judges, lawyers, prosecutors and other actors in the justice system. Please indicate whether such training is systematic and/or a mandatory requirement.

Access to justice

5. Please provide information on the steps taken to make women aware of their rights and how to claim them. Please indicate whether a legal aid system is in place to facilitate women's access to justice and explain the eligibility criteria for such aid. Please also indicate whether a special legal aid programme is in place for vulnerable groups of women. Please provide the Committee with data on the number of complaints of discrimination filed by women to the High Commissioner for the Protection of Rights and Freedoms and Mediation since its establishment.

Temporary special measures

6. Little information is provided in the report on the use of temporary special measures to accelerate the achievement of women's de facto equality with men, in line with article 4 (1) of the Convention and the Committee's general recommendation No. 25 (2004) on temporary special measures. Please provide updated information on whether such measures, including the use of quotas, are in place to increase the representation of women and girls in all areas covered by the Convention.

National machinery for the advancement of women

7. The establishment of a national machinery tasked with the implementation of the Convention is not mentioned in the report. Please provide information as to whether the State party has put in place an effective national machinery with the mandate and capacity, both financial and technical, to implement the Convention. Please indicate what efforts have been made by the State party with regard to the implementation of the Sustainable Development Goals, in particular target 5.1. Please also provide information regarding the existing system for the collection, sharing and analysis of data, disaggregated by sex and age, pertaining to all areas covered by the Convention.

Stereotypes

8. Little information is provided in the report on the efforts made to eliminate discriminatory stereotypes about the roles and responsibilities of women and men in the family and in society. Please indicate what steps are being taken to combat, modify or eliminate negative practices and patriarchal stereotypes that are harmful to and discriminate against women. Please also indicate whether the adoption of an overall strategy to eliminate gender stereotypes relating to women in general and in schools, the family and society at large is envisaged.

Violence against women

9. Please provide updated data on the prevalence of, and the steps taken to prevent and combat, all forms of gender-based violence against women, including domestic violence, in accordance with the Committee's general recommendation No. 19 (1992) on violence against women. Please include information on the

support services that are available to women and girls who are victims of gender-based violence and on the number of prosecutions, convictions and sentences imposed on perpetrators.

Trafficking and exploitation of prostitution

10. Please provide information about the measures aimed at combating and preventing the trafficking and sexual exploitation of women and girls. Please state the steps being taken to train all relevant personnel, including law enforcement and border personnel, on the identification of victims of trafficking and indicate whether the adoption of a comprehensive national action plan against trafficking in persons is envisaged. Please provide information regarding the extraditions carried out by the State party in connection with the offence of trafficking in persons, as mentioned in paragraph 118 of the report. Please also provide information on the specific steps taken to encourage victims of trafficking to report cases and on the remedies and support services provided to them. Please explain whether the State party plans to grant special protection, including temporary residence permits, to victims of trafficking, even when they are unwilling or unable to cooperate with the prosecutorial authorities. Please also indicate whether the State party gives priority to the rehabilitation of victims over their repatriation to their countries of origin. Please provide information on the extent to which women and girls are engaged in prostitution in the State party, including data disaggregated by age and nationality. Please also provide information on the support and exit programmes that are available to women and girls who wish to leave prostitution.

Participation in public and political life

11. Please provide information on the efforts being made by the State party to increase the equal participation of women in senior decision-making positions in the civil service and the judiciary and, in particular, the Supreme Court, the Court of Review and the national and communal councils.

Nationality

12. It is indicated in the report that the adoption of Act No. 1.387 of 19 December 2011 amending Act No 1.155 of 18 December 1992 on nationality is a step that marks significant progress towards the achievement of gender equality in the transmission of nationality (paras. 170-176). Please explain how the new amendments have helped to prevent cases of stateless children, given that divorced persons who became Monegasque nationals through marriage cannot transmit Monegasque nationality to their children who are born after the divorce or to future spouses.

Education

13. It is noted in the report that girls and boys have equal access to high-quality education (para. 184) and that education is compulsory for children between the ages of 6 and 16 years who are Monegasque nationals or whose parents or legal representatives are residents of or lawfully established in the State party (para. 180). Please indicate what steps have been taken to integrate migrant girls and boys into the national school system and what efforts are being made to amend the law in order to guarantee free education to migrant children whose parents or legal representatives are neither residents of nor lawfully established in the State party.

14. Please provide data, disaggregated by sex and field of study, on the enrolment of women and men in tertiary education in the State party and abroad. Please also provide information on the position of women in leadership roles in academic

institutions and data, disaggregated by sex, on the number of women in senior administrative and academic positions at all levels of the education system.

Employment

15. It is stated in the report that there is no discrimination with respect to remuneration, recruitment or dismissal in either the public or the private sector (para. 219). Please provide information on the de facto position of women in the labour market in both sectors and on how the State party monitors the implementation of acts regulating those sectors. Please also provide information on the specific steps taken to address discrimination in recruitment and promotion and pay gaps in the private sector. Please indicate whether any research has been conducted to assess the impact of part-time work, flexible working arrangements and teleworking (the introduction of which is currently under discussion) on women's career advancement and retirement pensions.

16. The Committee notes that Statutory Order No. 399 of 6 October 1944, by which the establishment of a trade union is authorized if the majority of its members are Monegasque or French nationals, is still in force even though more than 90 per cent of employees in the private sector are foreign nationals, including many women. Please indicate whether the State party intends to review the Statutory Order, with a view to amending it to make employees of all nationalities eligible to join a trade union. The Committee also notes that, under article 6 of Act No. 729 of 16 March 1963, dismissal without reasons is permitted, a provision that has been used to arbitrarily dismiss foreign women employees shortly after their maternity leave. Please provide information on the steps taken to repeal or amend the provision.

Health

17. Please provide information on whether age-appropriate education on sexual and reproductive health and rights and responsible sexual behaviour is available in the State party. Please also indicate what awareness-raising campaigns are being conducted on HIV/AIDS prevention. The three cases in which it is possible to have a medical termination of pregnancy are set out in the report (para. 241). Please indicate whether legal provisions are in place that decriminalize abortion in all cases. Please also provide information on the availability of and access to sexual and reproductive health services, including modern forms of contraception and the provision of post-abortion care services in all cases.

Access to social benefits

18. It is indicated in the report that the head of the household receives the family benefits for children under the family benefits scheme and that the man is recognized as the head of the household in the vast majority of cases (para. 256). Please indicate what measures are envisaged to eliminate discrimination against women in the determination of the head of the household and ensure that family responsibilities are shared equally between women and men. Please also indicate what steps are being taken to ensure that migrant women have access to social protection and benefits. It is stated in the report that the law contains no provision preventing women from accessing bank loans, mortgages and other forms of financial credit (para. 261). Please provide data, disaggregated by sex, on the number of women and men who are beneficiaries of such loans and financial credit.

Disadvantaged women

19. Please provide detailed information on the intersecting forms of discrimination faced by women with disabilities, migrant women and lesbian, bisexual and transgender women and intersex persons and indicate what measures are in place to eliminate such discrimination, in particular in the areas of education, employment, health and participation in political and public life.

20. Please also indicate whether women asylum seekers, refugees and migrants and women and girls with disabilities have effective access to justice and other services, such as shelters, social services and legal and psychological counselling.

Marriage and family relations

21. The provisions of article 274-1 of the Criminal Code relating to the punishment for forced marriage are mentioned in the report (para. 278). Please provide information on the current situation with regard to forced marriage in the State party. It is noted in the report that the Government was considering reforming legislation with regard to the question of name attribution, given that a married woman cannot give her family name to her child, and that a bill amending the provisions of the Civil Code in that regard was submitted to the National Council for consideration in May 2015 (paras. 281 and 282). Please update the Committee on the status of the bill, including information on the time frame for its adoption.

22. Please indicate under what circumstances the Prince may waive the age requirement for marriage and in how many cases during the reporting period such a prerogative was exercised. Please indicate whether an amendment of articles 126-129 of the Civil Code is envisaged in order to repeal the discriminatory provision whereby a woman cannot remarry until 310 days after the dissolution of her previous marriage.

Amendment to article 20 (1) of the Convention

23. Please indicate whether any progress has been made towards the acceptance of the amendment to article 20 (1) of the Convention concerning the meeting time of the Committee.